



COUNCILMEMBER DONNA FRYE
Council District Six
City of San Diego

M E M O R A N D U M

DATE: November 19, 2008
TO: Mike Aguirre, City Attorney
FROM: Councilmember Frye *Donna Frye*
SUBJECT: Homeless in the City Concourse

Since the settlement agreement was reached on the enforcement of California Penal Code section 647(j) in the City of San Diego, the issuance of illegal lodging tickets for sleeping on City property from 9:00pm to 5:30am under certain conditions was discontinued. However, there has been some confusion as to whether this change to Police Department policy applies to homeless persons in the City Concourse. It has been alleged that on a number of occasions the illegal lodging ticketing during these hours is still occurring in the City Concourse.

Please provide an explanation on whether this area is an exception to the settlement agreement due to any leaseholds the City has with private entities in the Concourse, what those entities are, and a description of the enforcement policy the Police Department currently uses at this location.

Your prompt written response to this matter is appreciated.

CC: William Landsdowne, Chief of Police

DF/KC